



OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LASSEN

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July 15, 2019

MuckRock News
DEPT MR 76620
411A Highland Avenue
Somerville, MA 02144-2516

Dear MuckRock News:

We are in receipt of your email dated July 4, 2019 regarding a California Public Records Act (CPRA) relating to “A copy of the “Brady List,” “Giglio List”, “Potential Impeachment Disclosure List”, or other record maintained by the Lassen County District Attorney’s Office for any record relating to an incident in which a sustained finding was made for dishonesty by a peace officer, setting forth a listing of names and other information regarding members of law enforcement in our office’s jurisdiction whose involvement in a criminal proceeding must be disclosed to defense counsel/defendants a potential exculpatory or impeachment information in accordance with *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny for both sworn and non-sworn employees.

The records and information you request are exempt from disclosure under the Public Records Act and will not be released based on exemptions including, but not limited to:

- 1.) Government Code section 6254(c) exempts from disclosure “personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.” The requested records contain much of the same type of information that would be found in a peace officer’s personnel file and would constitute an unwarranted invasion of the affected officers’ personal privacy.
- 2.) Government Code section 6254(f) exempts from disclosure “records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the Office of the Attorney General and the Department of Justice the Office of Emergency Services and state or local police agency, or any investigatory or security files complied by any other state or local police agency, or any investigatory or security file complied by any other or local agency for correctional, law enforcement, or licensing purposes.” *Haynie v. Superior Court* (2201) 26 Cal. 4th 1061, 1071; *Williams v. Superior Court* (1993) 5 Cal. 4th 337, 355. The requested records are comprised or records of complaints to, or investigations conducted by state and local police agencies. The requested records are also investigatory files complied by the LCDA for law enforcement purposes.

- 3.) Government Code section 6254(k) exempts from release records “the disclosure of which is exempted or prohibited pursuant to federal or state law, including but not limited to, provisions of the Evidence Code relating to privilege.” Evidence Code sections 1040 to 1042 protect the disclosure of official information. The requested records constitute official information. The requested records constitute official information.
- 4.) Government Code section 6254(k) exempts from disclosure the records of citizens’ complaints about police officers and internal affairs investigations. Penal Code section 837.7 Evidence Code section 1043; City of Hemet v. Superior Court (1995) 37 Cal. App 4th 1411, 1422-1427; City of Richmond v. Superior Court (1995) 32 Cal. App. 4th 1430, 1440.
- 5.) Government Code section 6254 (k) exempts from disclosure a prosecutor’s work product. 71 Ops. Cal. Atty. Gen 5, 7 [“undeniable” that public attorney can rely to “full extent” upon protection of attorney work product.] This section protects the disclosure of that reflect “impressions, conclusions, opinion, or legal research or theories...” Code of Civil Procedure section 2018.030(a); Penal Code section 1054.6 [specifically protecting prosecutorial work product]; *Rumac, Inc. v. Bottomley* (1983) 143 Cal. App.3d 810, 816 [work product also includes materials prepared in non-litigation context].
- 6.) Government Code section 6255(a) provides an exemption from disclosure where the facts of the particular case show that “the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.”

The Lassen County District Attorney’s Office holds to the highest standards of professionalism, ethics, and civility; we train our Deputy District Attorney’s to provide all discoverable materials in accordance with the law to ensure justice will be done. Thank you in advance for your anticipated courtesy, cooperation and assistance. If you have any questions, or if we may be of further assistance, please do not hesitate to contact me at your convenience. My direct line telephone number is (530) 251-8284; my email address is mlatimer@co.lassen.ca.us.

Very truly yours,

S. MELYSSAH RIOS
Lassen County District Attorney

s/ Michelle Latimer

Michelle Latimer
District Attorney’s Program Coordinator